

LEGAL DEPARTMENT



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MEMO ENDORSED

January 24, 2008

By Fax and Federal Express

Hon. Victor Marrero
United States District Judge
United States Courthouse
500 Pearl Street, Room 660
New York, NY 10007

Re: *ACLU, et al. v. Department of Defense, et al.*, 07-CV-6097

Dear Judge Marrero,

Plaintiffs in the above-captioned case write respectfully to seek an extension of the Conditional Order of Discontinuance issued by this Court on September 26, 2007. Plaintiffs request that the period of conditional discontinuance be extended to March 14, 2008. Defendants do not oppose plaintiffs' request.

On June 28, 2007, plaintiffs filed this Freedom of Information Act ("FOIA") suit concerning FOIA requests filed by plaintiffs seeking information about the use of National Security Letters by the Department of Defense and the Central Intelligence Agency. On September 20, 2007, the parties stipulated to a schedule for processing the requests and an arrangement concerning processing fees. Pursuant to the stipulation, processing of plaintiffs' FOIA requests was completed by December 31, 2007.

On September 26, 2007, this Court "so-ordered" the stipulation and entered an order conditionally discontinuing this action without prejudice, provided that "at any time prior to January 31, 2008, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order." The Order further provided that "[o]therwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is pursuant to the Stipulation herein is not consummated."

Rather than requesting restoration of the action to the active calendar at this time, plaintiffs respectfully request that the Court extend the period of the conditional discontinuance to March 14, 2008. The parties are currently engaged in settlement negotiations and are hopeful

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that the remaining issues in this suit can be resolved without further litigation. The extension of time will allow the parties to continue those negotiations.

Should the Court grant plaintiffs' request, in the event that the parties are unable to reach a settlement agreement and further litigation is required, on or before March 14, 2008, plaintiffs will write to the Court to request, by letter, that the action be restored to the active calendar.

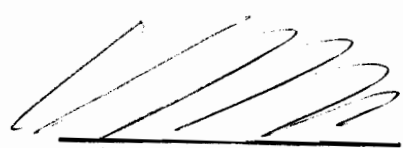
Respectfully,



Melissa Goodman (MG-7844)

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cc: Serrin Turner
Assistant United States Attorney

Request GRANTED. The Conditional Order of Discontinuance herein is amended to extend until <u>3-14-08</u> the date by which plaintiff may restore the action to the Court's active calendar.	
SO ORDERED.	
<u>1-24-08</u> DATE	 VICTOR MARRERO, U.S.D.J.